

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|                   |   |            |
|-------------------|---|------------|
| KEVIN A. SIMNICK, | ) | 8:13CV221  |
|                   | ) |            |
| Petitioner,       | ) |            |
|                   | ) |            |
| v.                | ) | MEMORANDUM |
|                   | ) | AND ORDER  |
| BRIAN GAGE,       | ) |            |
|                   | ) |            |
| Respondent.       | ) |            |

This matter is before the court on its own motion. Petitioner provisionally filed his Petition for Writ of Habeas Corpus ("Petition") on July 23, 2013. (Filing No. [1](#).) Due to certain technical defects, the Petition cannot be further processed. To assure further consideration of the Petition, Petitioner must correct the defect listed below. **FAILURE TO CORRECT THIS DEFECT WILL RESULT IN DISMISSAL OF THE PETITION.**

Petitioner has failed to include the \$5.00 filing fee. Petitioner has the choice of either tendering the \$5.00 fee to the Clerk of the court or submitting a request to proceed in forma pauperis and an affidavit of poverty in support thereof. If Petitioner chooses to do the latter, the enclosed pauper's forms should be completed and returned to this court.

IT IS ORDERED:

1. Petitioner is directed to correct the above-listed technical defects within 30 days of the date of this Memorandum and Order. Failure to comply with this Memorandum and Order will result in dismissal of this matter without further notice.
2. The Clerk of the court is directed to send to Petitioner the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit").

3. The Clerk of the court is directed to set a pro se case management deadline in this matter with the following text: August 26, 2013: Check for MIFP or payment.

DATED this 25<sup>th</sup> day of July, 2013.

BY THE COURT:

s/Laurie Smith Camp  
Chief United States District Judge

---

\*This opinion may contain hyperlinks to other documents or Web sites. The U.S. District Court for the District of Nebraska does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the court.